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LRB096 06030 MJR 32969 a

1 AMENDMENT TO SENATE BILL 315

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 315 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This amendatory Act may be referred to as the  
5 Performance Evaluation Reform Act of 2010.

6 Section 5. Findings; declarations. The General Assembly  
7 finds and declares all of the following:

8 (1) Effective teachers and school leaders are a  
9 critical factor contributing to student achievement.

10 (2) Many existing district performance evaluation  
11 systems fail to adequately distinguish between effective  
12 and ineffective teachers and principals. A recent study of  
13 evaluation systems in 3 of the largest Illinois districts  
14 found that out of 41,174 teacher evaluations performed over  
15 a 5-year period, 92.6% of teachers were rated "superior" or  
16 "excellent", 7% were rated "satisfactory", and only 0.4%

1 were rated "unsatisfactory".

2 (3) Performance evaluation systems must assess  
3 professional competencies as well as student growth.

4 (4) School districts and the State must ensure that  
5 performance evaluation systems are valid and reliable and  
6 contribute to the development of staff and improved student  
7 achievement outcomes.

8 Section 10. The School Code is amended by changing Sections  
9 2-3.25g, 24A-3, 24A-4, 24A-5, 24A-7, 24A-8, 24A-15, 34-8, and  
10 34-85c and by adding Sections 24A-2.5, 24A-7.1, and 24A-20 as  
11 follows:

12 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

13 Sec. 2-3.25g. Waiver or modification of mandates within the  
14 School Code and administrative rules and regulations.

15 (a) In this Section:

16 "Board" means a school board or the governing board or  
17 administrative district, as the case may be, for a joint  
18 agreement.

19 "Eligible applicant" means a school district, joint  
20 agreement made up of school districts, or regional  
21 superintendent of schools on behalf of schools and programs  
22 operated by the regional office of education.

23 "Implementation date" has the meaning set forth in  
24 Section 24A-2.5 of this Code.

1 "State Board" means the State Board of Education.

2 (b) Notwithstanding any other provisions of this School  
3 Code or any other law of this State to the contrary, eligible  
4 applicants may petition the State Board of Education for the  
5 waiver or modification of the mandates of this School Code or  
6 of the administrative rules and regulations promulgated by the  
7 State Board of Education. Waivers or modifications of  
8 administrative rules and regulations and modifications of  
9 mandates of this School Code may be requested when an eligible  
10 applicant demonstrates that it can address the intent of the  
11 rule or mandate in a more effective, efficient, or economical  
12 manner or when necessary to stimulate innovation or improve  
13 student performance. Waivers of mandates of the School Code may  
14 be requested when the waivers are necessary to stimulate  
15 innovation or improve student performance. Waivers may not be  
16 requested from laws, rules, and regulations pertaining to  
17 special education, teacher certification, teacher tenure and  
18 seniority, or Section 5-2.1 of this Code or from compliance  
19 with the No Child Left Behind Act of 2001 (Public Law 107-110).  
20 On and after the applicable implementation date, eligible  
21 applicants may not seek a waiver or seek a modification of a  
22 mandate regarding the requirements for (i) student performance  
23 data to be a significant factor in teacher or principal  
24 evaluations or (ii) for teachers and principals to be rated  
25 using the 4 categories of "excellent", "proficient", "needs  
26 improvement", or "unsatisfactory". On the applicable

1 implementation date, any previously authorized waiver or  
2 modification from such requirements shall terminate.

3 (c) Eligible applicants, as a matter of inherent managerial  
4 policy, and any Independent Authority established under  
5 Section 2-3.25f may submit an application for a waiver or  
6 modification authorized under this Section. Each application  
7 must include a written request by the eligible applicant or  
8 Independent Authority and must demonstrate that the intent of  
9 the mandate can be addressed in a more effective, efficient, or  
10 economical manner or be based upon a specific plan for improved  
11 student performance and school improvement. Any eligible  
12 applicant requesting a waiver or modification for the reason  
13 that intent of the mandate can be addressed in a more  
14 economical manner shall include in the application a fiscal  
15 analysis showing current expenditures on the mandate and  
16 projected savings resulting from the waiver or modification.  
17 Applications and plans developed by eligible applicants must be  
18 approved by the board or regional superintendent of schools  
19 applying on behalf of schools or programs operated by the  
20 regional office of education following a public hearing on the  
21 application and plan and the opportunity for the board or  
22 regional superintendent to hear testimony from staff directly  
23 involved in its implementation, parents, and students. The time  
24 period for such testimony shall be separate from the time  
25 period established by the eligible applicant for public comment  
26 on other matters. If the applicant is a school district or

1 joint agreement requesting a waiver or modification of Section  
2 27-6 of this Code, the public hearing shall be held on a day  
3 other than the day on which a regular meeting of the board is  
4 held. If the applicant is a school district, the public hearing  
5 must be preceded by at least one published notice occurring at  
6 least 7 days prior to the hearing in a newspaper of general  
7 circulation within the school district that sets forth the  
8 time, date, place, and general subject matter of the hearing.  
9 If the applicant is a joint agreement or regional  
10 superintendent, the public hearing must be preceded by at least  
11 one published notice (setting forth the time, date, place, and  
12 general subject matter of the hearing) occurring at least 7  
13 days prior to the hearing in a newspaper of general circulation  
14 in each school district that is a member of the joint agreement  
15 or that is served by the educational service region, provided  
16 that a notice appearing in a newspaper generally circulated in  
17 more than one school district shall be deemed to fulfill this  
18 requirement with respect to all of the affected districts. The  
19 eligible applicant must notify in writing the affected  
20 exclusive collective bargaining agent and those State  
21 legislators representing the eligible applicant's territory of  
22 its intent to seek approval of a waiver or modification and of  
23 the hearing to be held to take testimony from staff. The  
24 affected exclusive collective bargaining agents shall be  
25 notified of such public hearing at least 7 days prior to the  
26 date of the hearing and shall be allowed to attend such public

1 hearing. The eligible applicant shall attest to compliance with  
2 all of the notification and procedural requirements set forth  
3 in this Section.

4 (d) A request for a waiver or modification of  
5 administrative rules and regulations or for a modification of  
6 mandates contained in this School Code shall be submitted to  
7 the State Board of Education within 15 days after approval by  
8 the board or regional superintendent of schools. The  
9 application as submitted to the State Board of Education shall  
10 include a description of the public hearing. Following receipt  
11 of the request, the State Board shall have 45 days to review  
12 the application and request. If the State Board fails to  
13 disapprove the application within that 45 day period, the  
14 waiver or modification shall be deemed granted. The State Board  
15 may disapprove any request if it is not based upon sound  
16 educational practices, endangers the health or safety of  
17 students or staff, compromises equal opportunities for  
18 learning, or fails to demonstrate that the intent of the rule  
19 or mandate can be addressed in a more effective, efficient, or  
20 economical manner or have improved student performance as a  
21 primary goal. Any request disapproved by the State Board may be  
22 appealed to the General Assembly by the eligible applicant as  
23 outlined in this Section.

24 A request for a waiver from mandates contained in this  
25 School Code shall be submitted to the State Board within 15  
26 days after approval by the board or regional superintendent of

1 schools. The application as submitted to the State Board of  
2 Education shall include a description of the public hearing.  
3 The description shall include, but need not be limited to, the  
4 means of notice, the number of people in attendance, the number  
5 of people who spoke as proponents or opponents of the waiver, a  
6 brief description of their comments, and whether there were any  
7 written statements submitted. The State Board shall review the  
8 applications and requests for completeness and shall compile  
9 the requests in reports to be filed with the General Assembly.  
10 The State Board shall file reports outlining the waivers  
11 requested by eligible applicants and appeals by eligible  
12 applicants of requests disapproved by the State Board with the  
13 Senate and the House of Representatives before each March 1 and  
14 October 1. The General Assembly may disapprove the report of  
15 the State Board in whole or in part within 60 calendar days  
16 after each house of the General Assembly next convenes after  
17 the report is filed by adoption of a resolution by a record  
18 vote of the majority of members elected in each house. If the  
19 General Assembly fails to disapprove any waiver request or  
20 appealed request within such 60 day period, the waiver or  
21 modification shall be deemed granted. Any resolution adopted by  
22 the General Assembly disapproving a report of the State Board  
23 in whole or in part shall be binding on the State Board.

24 (e) An approved waiver or modification (except a waiver  
25 from or modification to a physical education mandate) may  
26 remain in effect for a period not to exceed 5 school years and

1 may be renewed upon application by the eligible applicant.  
2 However, such waiver or modification may be changed within that  
3 5-year period by a board or regional superintendent of schools  
4 applying on behalf of schools or programs operated by the  
5 regional office of education following the procedure as set  
6 forth in this Section for the initial waiver or modification  
7 request. If neither the State Board of Education nor the  
8 General Assembly disapproves, the change is deemed granted.

9 An approved waiver from or modification to a physical  
10 education mandate may remain in effect for a period not to  
11 exceed 2 school years and may be renewed no more than 2 times  
12 upon application by the eligible applicant. An approved waiver  
13 from or modification to a physical education mandate may be  
14 changed within the 2-year period by the board or regional  
15 superintendent of schools, whichever is applicable, following  
16 the procedure set forth in this Section for the initial waiver  
17 or modification request. If neither the State Board of  
18 Education nor the General Assembly disapproves, the change is  
19 deemed granted.

20 (f) On or before February 1, 1998, and each year  
21 thereafter, the State Board of Education shall submit a  
22 cumulative report summarizing all types of waivers of mandates  
23 and modifications of mandates granted by the State Board or the  
24 General Assembly. The report shall identify the topic of the  
25 waiver along with the number and percentage of eligible  
26 applicants for which the waiver has been granted. The report

1 shall also include any recommendations from the State Board  
2 regarding the repeal or modification of waived mandates.

3 (Source: P.A. 94-198, eff. 1-1-06; 94-432, eff. 8-2-05; 94-875,  
4 eff. 7-1-06; 95-223, eff. 1-1-08.)

5 (105 ILCS 5/24A-2.5 new)

6 Sec. 24A-2.5. Definitions. In this Article:

7 "Evaluator" means:

8 (1) an administrator qualified under Section 24A-3; or

9 (2) other individuals qualified under Section 24A-3,

10 provided that, if such other individuals are in the  
11 bargaining unit of a district's teachers, the district and  
12 the exclusive bargaining representative of that unit must  
13 agree to those individuals evaluating other bargaining  
14 unit members.

15 Notwithstanding anything to the contrary in item (2) of  
16 this definition, a school district operating under Article 34  
17 of this Code may require department chairs qualified under  
18 Section 24A-3 to evaluate teachers in their department or  
19 departments, provided that the school district shall bargain  
20 with the bargaining representative of its teachers over the  
21 impact and effects on department chairs of such a requirement.

22 "Implementation date" means, unless otherwise specified  
23 and provided that the requirements set forth in subsection (d)  
24 of Section 24A-20 have been met:

25 (1) For school districts having 500,000 or more

1 inhabitants, in at least 300 schools by September 1, 2012  
2 and in the remaining schools by September 1, 2013.

3 (2) For school districts having less than 500,000  
4 inhabitants and receiving a Race to the Top Grant or School  
5 Improvement Grant after the effective date of this  
6 amendatory Act of the 96th General Assembly, the date  
7 specified in those grants for implementing an evaluation  
8 system for teachers and principals incorporating student  
9 growth as a significant factor.

10 (3) For the lowest performing 20% percent of remaining  
11 school districts having less than 500,000 inhabitants  
12 (with the measure of and school year or years used for  
13 school district performance to be determined by the State  
14 Superintendent of Education at a time determined by the  
15 State Superintendent), September 1, 2015.

16 (4) For all other school districts having less than  
17 500,000 inhabitants, September 1, 2016.

18 "Race to the Top Grant" means a grant made by the Secretary  
19 of the U.S. Department of Education pursuant to paragraph (2)  
20 of Section 14006(a) of the American Recovery and Reinvestment  
21 Act of 2009.

22 "School Improvement Grant" means a grant made by the  
23 Secretary of the U.S. Department of Education pursuant to  
24 Section 1003(g) of the Elementary and Secondary Education Act.

1           Sec. 24A-3. Evaluation training and pre-qualification.

2           (a) School Beginning January 1, 1986, school boards shall  
3 require evaluators ~~those administrators, or~~ ~~in school~~  
4 ~~districts having a population exceeding 500,000~~ ~~assistant~~  
5 ~~principals, who evaluate other certified personnel to~~  
6 participate ~~at least once every 2 years~~ in an inservice  
7 training workshop on ~~either school improvement or~~ the  
8 evaluation of certified personnel provided or approved by the  
9 State Board of Education prior to undertaking any evaluation  
10 and at least once during each certificate renewal cycle.  
11 Training provided or approved by the State Board of Education  
12 shall include the evaluator training program developed  
13 pursuant to Section 24A-20 of this Code.

14           (b) Any evaluator undertaking an evaluation after  
15 September 1, 2012 must first successfully complete a  
16 pre-qualification program provided or approved by the State  
17 Board of Education. The program must involve rigorous training  
18 and an independent observer's determination that the  
19 evaluator's ratings properly align to the requirements  
20 established by the State Board pursuant to this Article.

21           (Source: P.A. 86-1477; 87-1076.)

22           (105 ILCS 5/24A-4) (from Ch. 122, par. 24A-4)

23           Sec. 24A-4. Development ~~and submission~~ of evaluation plan.

24           (a) As used in this and the succeeding Sections, "teacher"  
25 means any and all school district employees regularly required

1 to be certified under laws relating to the certification of  
2 teachers. Each school district shall develop, in cooperation  
3 with its teachers or, where applicable, the exclusive  
4 bargaining representatives of its teachers, an evaluation plan  
5 for all teachers.

6 (b) By no later than the applicable implementation date,  
7 each school district shall, in good faith cooperation with its  
8 teachers or, where applicable, the exclusive bargaining  
9 representatives of its teachers, incorporate the use of data  
10 and indicators on student growth as a significant factor in  
11 rating teaching performance, into its evaluation plan for all  
12 teachers, both those teachers in contractual continued service  
13 and those teachers not in contractual continued service. The  
14 plan shall at least meet the standards and requirements for  
15 student growth and teacher evaluation established under  
16 Section 24A-7, and specifically describe how student growth  
17 data and indicators will be used as part of the evaluation  
18 process, how this information will relate to evaluation  
19 standards, the assessments or other indicators of student  
20 performance that will be used in measuring student growth and  
21 the weight that each will have, the methodology that will be  
22 used to measure student growth, and the criteria other than  
23 student growth that will be used in evaluating the teacher and  
24 the weight that each will have.

25 To incorporate the use of data and indicators of student  
26 growth as a significant factor in rating teacher performance

1 into the evaluation plan, the district shall use a joint  
2 committee composed of equal representation selected by the  
3 district and its teachers or, where applicable, the exclusive  
4 bargaining representative of its teachers. If, within 180  
5 calendar days of the committee's first meeting, the committee  
6 does not reach agreement on the plan, then the district shall  
7 implement the model evaluation plan established under Section  
8 24A-7 with respect to the use of data and indicators on student  
9 growth as a significant factor in rating teacher performance.

10 Nothing in in this subsection (a) shall make decisions on  
11 the use of data and indicators on student growth as a  
12 significant factor in rating teaching performance mandatory  
13 subjects of bargaining under the Illinois Educational Labor  
14 Relations Act that are not currently mandatory subjects of  
15 bargaining under the Act.

16 (c) Notwithstanding anything to the contrary in subsection  
17 (b) of this subsection, if the joint committee referred to in  
18 that subsection does not reach agreement on the plan within 90  
19 calendar days after the committee's first meeting, a school  
20 district having 500,000 or more inhabitants shall not be  
21 required to implement any aspect of the model evaluation plan  
22 and may implement its last best proposal. ~~in contractual~~  
23 ~~continued service. The district shall, no later than October 1,~~  
24 ~~1986, submit a copy of its evaluation plan to the State Board~~  
25 ~~of Education, which shall review the plan and make public its~~  
26 ~~comments thereon, and the district shall at the same time~~

1 ~~provide a copy to the exclusive bargaining representatives.~~  
2 ~~Whenever any substantive change is made in a district's~~  
3 ~~evaluation plan, the new plan shall be submitted to the State~~  
4 ~~Board of Education for review and comment, and the district~~  
5 ~~shall at the same time provide a copy of any such new plan to~~  
6 ~~the exclusive bargaining representatives. The board of a school~~  
7 ~~district operating under Article 34 of this Code and the~~  
8 ~~exclusive representative of the district's teachers shall~~  
9 ~~submit a certified copy of an agreement entered into under~~  
10 ~~Section 34-85c of this Code to the State Board of Education,~~  
11 ~~and that agreement shall constitute the teacher evaluation plan~~  
12 ~~for teachers assigned to schools identified in that agreement.~~  
13 ~~Whenever any substantive change is made in an agreement entered~~  
14 ~~into under Section 34-85c of this Code by the board of a school~~  
15 ~~district operating under Article 34 of this Code and the~~  
16 ~~exclusive representative of the district's teachers, the new~~  
17 ~~agreement shall be submitted to the State Board of Education.~~

18 (Source: P.A. 95-510, eff. 8-28-07.)

19 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

20 Sec. 24A-5. Content of evaluation plans. This Section does  
21 not apply to teachers assigned to schools identified in an  
22 agreement entered into between the board of a school district  
23 operating under Article 34 of this Code and the exclusive  
24 representative of the district's teachers in accordance with  
25 Section 34-85c of this Code.

1 Each school district to which this Article applies shall  
2 establish a teacher evaluation plan which ensures that each  
3 teacher in contractual continued service is evaluated at least  
4 once in the course of every 2 school years, ~~beginning with the~~  
5 ~~1986-87 school year.~~

6 By no later than the September 1, 2012, each school  
7 district shall establish a teacher evaluation plan that ensures  
8 that:

9 (1) each teacher not in contractual continued service  
10 is evaluated at least once every school year; and

11 (2) each teacher in contractual continued service is  
12 evaluated at least once in the course of every 2 school  
13 years. However, any teacher in contractual continued  
14 service whose performance is rated as either "needs  
15 improvement" or "unsatisfactory" must be evaluated at  
16 least once in the school year following the receipt of such  
17 rating.

18 Notwithstanding anything to the contrary in this Section or  
19 any other Section of the School Code, a principal shall not be  
20 prohibited from evaluating any teachers within a school during  
21 his or her first year as principal of such school.

22 The evaluation plan shall comply with the requirements of  
23 this Section and of any rules adopted by the State Board of  
24 Education pursuant to this Section.

25 The plan shall include a description of each teacher's  
26 duties and responsibilities and of the standards to which that

1 teacher is expected to conform. ~~The plan may provide for~~  
2 ~~evaluation of personnel whose positions require administrative~~  
3 ~~certification by independent evaluators not employed by or~~  
4 ~~affiliated with the school district. The results of the school~~  
5 ~~district administrators' evaluations shall be reported to the~~  
6 ~~employing school board, together with such recommendations for~~  
7 ~~remediation as the evaluator or evaluators may deem~~  
8 ~~appropriate. Evaluation of teachers whose positions do not~~  
9 ~~require administrative certification shall be conducted by an~~  
10 ~~administrator qualified under Section 24A-3, or -- in school~~  
11 ~~districts having a population exceeding 500,000 -- by either an~~  
12 ~~administrator qualified under Section 24A-3 or an assistant~~  
13 ~~principal under the supervision of an administrator qualified~~  
14 ~~under Section 24A-3, and shall include at least the following~~  
15 components:

16 (a) personal observation of the teacher in the  
17 classroom by the evaluator ~~(on at least 2 different school~~  
18 ~~days in school districts having a population exceeding~~  
19 ~~500,000) by a district administrator qualified under~~  
20 ~~Section 24A-3, or -- in school districts having a~~  
21 ~~population exceeding 500,000 -- by either an administrator~~  
22 ~~qualified under Section 24A-3 or an assistant principal~~  
23 ~~under the supervision of an administrator qualified under~~  
24 ~~Section 24A-3, unless the teacher has no classroom duties.~~

25 (b) consideration of the teacher's attendance,  
26 planning, ~~and~~ instructional methods, classroom management,

1 where relevant, and competency in the subject matter  
2 taught, ~~where relevant~~.

3 (c) by no later than the applicable implementation  
4 date, consideration of student growth as a significant  
5 factor in the rating of the teacher's performance.

6 (d) prior to September 1, 2012, ~~(e)~~ rating of the  
7 teacher's performance of teachers in contractual continued  
8 service as either:

9 (i) "excellent", "satisfactory" or  
10 "unsatisfactory"; or

11 (ii) "excellent", "proficient", "needs  
12 improvement" or "unsatisfactory".

13 (e) on and after September 1, 2012, rating of the  
14 performance of teachers in contractual continued service  
15 as "excellent", "proficient", "needs improvement" or  
16 "unsatisfactory".

17 (f) ~~(d)~~ specification as to the teacher's strengths and  
18 weaknesses, with supporting reasons for the comments made.

19 (g) ~~(e)~~ inclusion of a copy of the evaluation in the  
20 teacher's personnel file and provision of a copy to the  
21 teacher.

22 (h) within 30 school days after the completion of an  
23 evaluation rating a teacher in contractual continued  
24 service as "needs improvement", development by the  
25 evaluator, in consultation with the teacher, and taking  
26 into account the teacher's on-going professional

1       responsibilities including his or her regular teaching  
2       assignments, of a professional development plan directed  
3       to the areas that need improvement and any supports that  
4       the district will provide to address the areas identified  
5       as needing improvement.

6       (i) ~~(f)~~ within 30 days after completion of an  
7       evaluation rating a teacher in contractual continued  
8       service as "unsatisfactory", development and commencement  
9       by the district, ~~or by an administrator qualified under~~  
10      ~~Section 24A-3 or an assistant principal under the~~  
11      ~~supervision of an administrator qualified under Section~~  
12      ~~24A-3 in school districts having a population exceeding~~  
13      ~~500,000,~~ of a remediation plan designed to correct  
14      deficiencies cited, provided the deficiencies are deemed  
15      remediable. In all school districts the remediation plan  
16      for unsatisfactory, tenured teachers shall provide for 90  
17      school days of remediation within the classroom, unless an  
18      applicable collective bargaining agreement provides for a  
19      shorter duration. In all school districts evaluations  
20      issued pursuant to this Section shall be issued within 10  
21      days after the conclusion of the respective remediation  
22      plan. However, the school board or other governing  
23      authority of the district shall not lose jurisdiction to  
24      discharge a teacher in the event the evaluation is not  
25      issued within 10 days after the conclusion of the  
26      respective remediation plan.

1           (j) ~~(g)~~ participation in the remediation plan by the  
2 teacher in contractual continued service rated  
3 "unsatisfactory", an evaluator and a ~~district~~  
4 ~~administrator qualified under Section 24A-3 (or in a~~  
5 ~~school district having a population exceeding 500,000 an~~  
6 ~~administrator qualified under Section 24A-3 or an~~  
7 ~~assistant principal under the supervision of an~~  
8 ~~administrator qualified under Section 24A-3), and a~~  
9 consulting teacher, selected by the evaluator ~~by the~~  
10 ~~participating administrator or by the principal, or in~~  
11 ~~school districts having a population exceeding 500,000~~  
12 ~~by an administrator qualified under Section 24A-3 or by an~~  
13 ~~assistant principal under the supervision of an~~  
14 ~~administrator qualified under Section 24A-3, of the~~  
15 teacher who was rated "unsatisfactory", which consulting  
16 teacher is an educational employee as defined in the  
17 Educational Labor Relations Act, has at least 5 years'  
18 teaching experience, and a reasonable familiarity with the  
19 assignment of the teacher being evaluated, and who received  
20 an "excellent" rating on his or her most recent evaluation.  
21 Where no teachers who meet these criteria are available  
22 within the district, the district shall request and the  
23 State Board of Education shall supply, to participate in  
24 the remediation process, an individual who meets these  
25 criteria.

26           In a district having a population of less than 500,000

1 with an exclusive bargaining agent, the bargaining agent  
2 may, if it so chooses, supply a roster of qualified  
3 teachers from whom the consulting teacher is to be  
4 selected. That roster shall, however, contain the names of  
5 at least 5 teachers, each of whom meets the criteria for  
6 consulting teacher with regard to the teacher being  
7 evaluated, or the names of all teachers so qualified if  
8 that number is less than 5. In the event of a dispute as to  
9 qualification, the State Board shall determine  
10 qualification.

11 (k) a mid-point and final evaluation by an evaluator  
12 during and at the end of the remediation period,  
13 immediately following receipt of a remediation plan  
14 provided for under subsections (i) and (j) of this Section.  
15 Each evaluation shall assess the teacher's performance  
16 during the time period since the prior evaluation; provided  
17 that the last evaluation shall also include an overall  
18 evaluation of the teacher's performance during the  
19 remediation period. A written copy of the evaluations and  
20 ratings, in which any deficiencies in performance and  
21 recommendations for correction are identified, shall be  
22 provided to and discussed with the teacher within 10 school  
23 days after the date of the evaluation, unless an applicable  
24 collective bargaining agreement provides to the contrary.  
25 ~~(h) evaluations and ratings once every 30 school days for~~  
26 ~~the 90 school day remediation period immediately following~~

1 ~~receipt of a remediation plan provided for under~~  
2 ~~subsections (f) and (g) of this Section; provided that in~~  
3 ~~school districts having a population exceeding 500,000~~  
4 ~~there shall be monthly evaluations and ratings for the~~  
5 ~~first 6 months and quarterly evaluations and ratings for~~  
6 ~~the next 6 months immediately following completion of the~~  
7 ~~remediation program of a teacher for whom a remediation~~  
8 ~~plan has been developed. These subsequent evaluations~~  
9 shall be conducted by an evaluator ~~the participating~~  
10 ~~administrator, or -- in school districts having a~~  
11 ~~population exceeding 500,000 -- by either the principal or~~  
12 ~~by an assistant principal under the supervision of an~~  
13 ~~administrator qualified under Section 24A-3. The~~  
14 consulting teacher shall provide advice to the teacher  
15 rated "unsatisfactory" on how to improve teaching skills  
16 and to successfully complete the remediation plan. The  
17 consulting teacher shall participate in developing the  
18 remediation plan, but the final decision as to the  
19 evaluation shall be done solely by the evaluator  
20 ~~administrator, or -- in school districts having a~~  
21 ~~population exceeding 500,000 -- by either the principal or~~  
22 ~~by an assistant principal under the supervision of an~~  
23 ~~administrator qualified under Section 24A-3, unless an~~  
24 applicable collective bargaining agreement provides to the  
25 contrary. ~~Teachers in the remediation process in a school~~  
26 ~~district having a population exceeding 500,000 are not~~

1 ~~subject to the annual evaluations described in paragraphs~~  
2 ~~(a) through (c) of this Section.~~ Evaluations at the  
3 conclusion of the remediation process shall be separate and  
4 distinct from the required annual evaluations of teachers  
5 and shall not be subject to the guidelines and procedures  
6 relating to those annual evaluations. The evaluator may but  
7 is not required to use the forms provided for the annual  
8 evaluation of teachers in the district's evaluation plan.

9 (1) (i) in school districts having a population of less  
10 than 500,000, reinstatement to the evaluation schedule set  
11 forth in the district's evaluation plan a schedule of  
12 biennial evaluation for any teacher in contractual  
13 continued service who achieves a rating equal to or better  
14 than "satisfactory" or "proficient" in the school year  
15 following a rating of "needs improvement" or  
16 "unsatisfactory". ~~completes the 90 school day remediation~~  
17 ~~plan with a "satisfactory" or better rating, unless the~~  
18 ~~district's plan regularly requires more frequent~~  
19 ~~evaluations; and in school districts having a population~~  
20 ~~exceeding 500,000, reinstatement to a schedule of biennial~~  
21 ~~evaluation for any teacher who completes the 90 school day~~  
22 ~~remediation plan with a "satisfactory" or better rating and~~  
23 ~~the one year intensive review schedule as provided in~~  
24 ~~paragraph (h) of this Section with a "satisfactory" or~~  
25 ~~better rating, unless such district's plan regularly~~  
26 ~~requires more frequent evaluations.~~

1           (m) ~~(j)~~ dismissal in accordance with Section 24-12 or  
2           34-85 of the School Code of any teacher who fails to  
3           complete any applicable remediation plan with a rating  
4           equal to or better than a "satisfactory" or "proficient"  
5           ~~better~~ rating. Districts and teachers subject to dismissal  
6           hearings are precluded from compelling the testimony of  
7           consulting teachers at such hearings under Section 24-12 or  
8           34-85, either as to the rating process or for opinions of  
9           performances by teachers under remediation.

10          ~~In a district subject to a collective bargaining agreement~~  
11          ~~as of the effective date of this amendatory Act of 1997, any~~  
12          ~~changes made by this amendatory Act to the provisions of this~~  
13          ~~Section that are contrary to the express terms and provisions~~  
14          ~~of that agreement shall go into effect in that district only~~  
15          ~~upon expiration of that agreement. Thereafter, collectively~~  
16          ~~bargained evaluation plans shall at a minimum meet the~~  
17          ~~standards of this Article. If such a district has an evaluation~~  
18          ~~plan, however, whether pursuant to the collective bargaining~~  
19          ~~agreement or otherwise, a copy of that plan shall be submitted~~  
20          ~~to the State Board of Education for review and comment, in~~  
21          ~~accordance with Section 24A-4.~~

22                Nothing in this Section or Section 24A-4 shall be construed  
23                as preventing immediate dismissal of a teacher for deficiencies  
24                which are deemed irremediable or for actions which are  
25                injurious to or endanger the health or person of students in  
26                the classroom or school, or preventing the dismissal or

1 non-renewal of teachers not in contractual continued service  
2 for any reason not prohibited by applicable employment, labor,  
3 and civil rights laws. Failure to strictly comply with the time  
4 requirements contained in Section 24A-5 shall not invalidate  
5 the results of the remediation plan.

6 (Source: P.A. 95-510, eff. 8-28-07.)

7 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

8 Sec. 24A-7. Rules. The State Board of Education is  
9 authorized to adopt such rules as are deemed necessary to  
10 implement and accomplish the purposes and provisions of this  
11 Article, including, but not limited to, rules (i) relating to  
12 the methods for measuring student growth (including, but not  
13 limited to, limitations on the age of useable data; the amount  
14 of data needed to reliably and validly measure growth for the  
15 purpose of teacher and principal evaluations; and whether and  
16 at what time annual State assessments may be used as one of  
17 multiple measures of student growth), (ii) defining the term  
18 "significant factor" for purposes of including consideration  
19 of student growth in performance ratings, (iii) controlling for  
20 such factors as student characteristics (including, but not  
21 limited to, students receiving special education and English  
22 Language Learner services), student attendance, and student  
23 mobility so as to best measure the impact that a teacher,  
24 principal, school and school district has on students' academic  
25 achievement, (iv) establishing minimum requirements for

1 district teacher and principal evaluation instruments and  
2 procedures, and (v) establishing a model evaluation plan for  
3 use by school districts in which student growth shall comprise  
4 50% of the performance rating. Notwithstanding any provision in  
5 this Section, rules shall not preclude a school district having  
6 500,000 or more inhabitants from using an annual State  
7 assessment as the sole measure of student growth for purposes  
8 of teacher or principal evaluations.

9 The rules shall be developed through a process involving  
10 collaboration with a Performance Evaluation Advisory Council,  
11 which shall be convened and staffed by the State Board of  
12 Education. Members of the Council shall be selected by the  
13 State Superintendent and include, without limitation,  
14 representatives of teacher unions and school district  
15 management, persons with expertise in performance evaluation  
16 processes and systems, as well as other stakeholders. The  
17 Performance Evaluation Advisory Council shall meet at least  
18 quarterly following the effective date of this amendatory Act  
19 of the 96th General Assembly until June 30, 2017.

20 Prior to the applicable implementation date, ~~except that~~  
21 these rules shall not apply to teachers assigned to schools  
22 identified in an agreement entered into between the board of a  
23 school district operating under Article 34 of this Code and the  
24 exclusive representative of the district's teachers in  
25 accordance with Section 34-85c of this Code.

26 (Source: P.A. 95-510, eff. 8-28-07.)

1 (105 ILCS 5/24A-7.1 new)

2 Sec. 24A-7.1. Teacher and principal performance  
3 evaluations. Except as otherwise provided under this Act,  
4 disclosure of public school teacher and principal performance  
5 evaluations is prohibited.

6 (105 ILCS 5/24A-8) (from Ch. 122, par. 24A-8)

7 Sec. 24A-8. Evaluation of teachers not in contractual  
8 continued service. ~~Each Beginning with the 1987-88 school year~~  
9 ~~each~~ teacher not in contractual continued service shall be  
10 evaluated at least once each school year.

11 (Source: P.A. 84-1419.)

12 (105 ILCS 5/24A-15)

13 Sec. 24A-15. Development ~~and submission~~ of evaluation plan  
14 for principals.

15 (a) ~~Each Beginning with the 2006-2007 school year and each~~  
16 ~~school year thereafter, each~~ school district, except for a  
17 school district organized under Article 34 of this Code, shall  
18 establish a principal evaluation plan in accordance with this  
19 Section. The plan must ensure that each principal is evaluated  
20 as follows:

21 (1) For a principal on a single-year contract, the  
22 evaluation must take place by March ~~February~~ 1 of each  
23 year.

1           (2) For a principal on a multi-year contract under  
2 Section 10-23.8a of this Code, the evaluation must take  
3 place by March 1 ~~February 1~~ of the final year of the  
4 contract.

5 On and after September 1, 2012, the plan must:

6           (i) rate the principal's performance as "excellent",  
7 "proficient", "needs improvement" or "unsatisfactory"; and

8           (ii) ensure that each principal is evaluated at least  
9 once every school year.

10          Nothing in this Section prohibits a school district from  
11 conducting additional evaluations of principals.

12          (b) The evaluation shall include a description of the  
13 principal's duties and responsibilities and the standards to  
14 which the principal is expected to conform.

15          (c) The evaluation must be performed by the district  
16 superintendent, the superintendent's designee, or, in the  
17 absence of the superintendent or his or her designee, an  
18 individual appointed by the school board who holds a registered  
19 Type 75 State administrative certificate.

20          Prior to September 1, 2012, the ~~The~~ evaluation must be in  
21 writing and must at least do all of the following:

22           (1) Consider the principal's specific duties,  
23 responsibilities, management, and competence as a  
24 principal.

25           (2) Specify the principal's strengths and weaknesses,  
26 with supporting reasons.

1           (3) Align with ~~the Illinois Professional Standards for~~  
2           ~~School Leaders or~~ research-based standards established by  
3           administrative rule ~~district standards~~.

4           On and after September 1, 2012, the evaluation must, in  
5           addition to the requirements in items (1), (2), and (3) of this  
6           subsection (c), provide for the use of data and indicators on  
7           student growth as a significant factor in rating performance.

8           (d) One copy of the evaluation must be included in the  
9           principal's personnel file and one copy of the evaluation must  
10          be provided to the principal.

11          (e) Failure by a district to evaluate a principal and to  
12          provide the principal with a copy of the evaluation at least  
13          once during the term of the principal's contract, in accordance  
14          with this Section, is evidence that the principal is performing  
15          duties and responsibilities in at least a satisfactory manner  
16          and shall serve to automatically extend the principal's  
17          contract for a period of one year after the contract would  
18          otherwise expire, under the same terms and conditions as the  
19          prior year's contract. The requirements in this Section are in  
20          addition to the right of a school board to reclassify a  
21          principal pursuant to Section 10-23.8b of this Code.

22          (f) Nothing in this Section prohibits a school board from  
23          ordering lateral transfers of principals to positions of  
24          similar rank and salary.

25          (Source: P.A. 94-1039, eff. 7-20-06.)

1 (105 ILCS 5/24A-20 new)

2 Sec. 24A-20. State Board of Education data collection and  
3 evaluation assessment and support systems.

4 (a) On or before the date established in subsection (b) of  
5 this Section, the State Board of Education shall, through a  
6 process involving collaboration with the Performance  
7 Evaluation Advisory Council, develop or contract for the  
8 development of and implement all of the following data  
9 collection and evaluation assessment and support systems:

10 (1) A system to annually collect and publish data by  
11 district and school on teacher and administrator  
12 performance evaluation outcomes. The system must ensure  
13 that no teacher or administrator can be personally  
14 identified by publicly reported data.

15 (2) Both a teacher and principal model evaluation  
16 template. The model templates must incorporate the  
17 requirements of this Article and any other requirements  
18 established by the State Board by administrative rule, but  
19 allow customization by districts in a manner that does not  
20 conflict with such requirements.

21 (3) An evaluator pre-qualification program based on  
22 the model teacher evaluation template.

23 (4) An evaluator training program based on the model  
24 teacher evaluation template. The training program shall  
25 provide multiple training options that account for the  
26 prior training and experience of the evaluator.

1           (5) A superintendent training program based on the  
2 model principal evaluation template.

3           (6) One or more instruments to provide feedback to  
4 principals on the instructional environment within a  
5 school.

6           (7) A State Board-provided or approved technical  
7 assistance system that supports districts with the  
8 development and implementation of teacher and principal  
9 evaluation systems.

10           (8) Web-based systems and tools supporting  
11 implementation of the model templates and the evaluator  
12 pre-qualification and training programs.

13           (9) A process for measuring and reporting correlations  
14 between local principal and teacher evaluations and (A)  
15 student growth in tested grades and subjects and (B)  
16 retention rates of teachers.

17           (10) A process for assessing whether school district  
18 evaluation systems developed pursuant to this Act and that  
19 consider student growth as a significant factor in the  
20 rating of a teacher's and principal's performance are valid  
21 and reliable, contribute to the development of staff, and  
22 improve student achievement outcomes. By no later than  
23 September 1, 2014, a research-based study shall be issued  
24 assessing such systems for validity and reliability,  
25 contribution to the development of staff, and improvement  
26 of student performance and recommending, based on the

1       results of this study, changes, if any, that need to be  
2       incorporated into teacher and principal evaluation systems  
3       that consider student growth as a significant factor in the  
4       rating performance for remaining school districts to be  
5       required to implement such systems.

6       (b) If the State of Illinois receives a Race to the Top  
7       Grant, the data collection and support systems described in  
8       subsection (a) must be developed on or before September 30,  
9       2011. If the State of Illinois does not receive a Race to the  
10       Top Grant, the data collection and support systems described in  
11       subsection (a) must be developed on or before September 30,  
12       2012; provided, however, that the data collection and support  
13       systems set forth in items (3) and (4) of subsection (a) of  
14       this Section must be developed September 30, 2011 regardless of  
15       whether the State of Illinois receives a Race to the Top Grant.  
16       By no later than September 1, 2011, if the State of Illinois  
17       receives a Race to the Top Grant, or September 1, 2012, if the  
18       State of Illinois does not receive a Race to the Top Grant, the  
19       State Board of Education must execute or contract for the  
20       execution of the assessment referenced in item (10) of  
21       subsection (a) of this Section to determine whether the school  
22       district evaluation systems developed pursuant to this Act have  
23       been valid and reliable, contributed to the development of  
24       staff, and improved student performance.

25       (c) Districts shall submit data and information to the  
26       State Board on teacher and principal performance evaluations

1 and evaluation plans in accordance with procedures and  
2 requirements for submissions established by the State Board.  
3 Such data shall include, without limitation, (i) data on the  
4 performance rating given to all teachers in contractual  
5 continued service, (ii) data on district recommendations to  
6 renew or not renew teachers not in contractual continued  
7 service, and (iii) data on the performance rating given to all  
8 principals.

9 (d) If the State Board of Education does not timely fulfill  
10 any of the requirements set forth in Sections 24A-7 and 24A-20,  
11 and adequate and sustainable federal, State, or other funds are  
12 not provided to the State Board of Education and school  
13 districts to meet their responsibilities under this Article,  
14 the applicable implementation date shall be postponed by the  
15 number of calendar days equal to those needed by the State  
16 Board of Education to fulfill such requirements and for the  
17 adequate and sustainable funds to be provided to the State  
18 Board of Education and school districts. The determination as  
19 to whether the State Board of Education has fulfilled any or  
20 all requirements set forth in Sections 24A-7 and 24A-20 and  
21 whether adequate and sustainable funds have been provided to  
22 the State Board of Education and school districts shall be made  
23 by the State Board of Education in consultation with the P-20  
24 Council.

1           Sec. 34-8. Powers and duties of general superintendent. The  
2 general superintendent of schools shall prescribe and control,  
3 subject to the approval of the board and to other provisions of  
4 this Article, the courses of study mandated by State law,  
5 textbooks, educational apparatus and equipment, discipline in  
6 and conduct of the schools, and shall perform such other duties  
7 as the board may by rule prescribe. The superintendent shall  
8 also notify the State Board of Education, the board and the  
9 chief administrative official, other than the alleged  
10 perpetrator himself, in the school where the alleged  
11 perpetrator serves, that any person who is employed in a school  
12 or otherwise comes into frequent contact with children in the  
13 school has been named as a perpetrator in an indicated report  
14 filed pursuant to the Abused and Neglected Child Reporting Act,  
15 approved June 26, 1975, as amended.

16           The general superintendent may be granted the authority by  
17 the board to hire a specific number of employees to assist in  
18 meeting immediate responsibilities. Conditions of employment  
19 for such personnel shall not be subject to the provisions of  
20 Section 34-85.

21           The general superintendent may, pursuant to a delegation of  
22 authority by the board and Section 34-18, approve contracts and  
23 expenditures.

24           Pursuant to other provisions of this Article, sites shall  
25 be selected, schoolhouses located thereon and plans therefor  
26 approved, and textbooks and educational apparatus and

1 equipment shall be adopted and purchased by the board only upon  
2 the recommendation of the general superintendent of schools or  
3 by a majority vote of the full membership of the board and, in  
4 the case of textbooks, subject to Article 28 of this Act. The  
5 board may furnish free textbooks to pupils and may publish its  
6 own textbooks and manufacture its own apparatus, equipment and  
7 supplies.

8 In addition, in January of each year, the general  
9 superintendent of schools shall report to the State Board of  
10 Education the number of high school students in the district  
11 who are enrolled in accredited courses (for which high school  
12 credit will be awarded upon successful completion of the  
13 courses) at any community college, together with the name and  
14 number of the course or courses which each such student is  
15 taking.

16 The general superintendent shall also have the authority to  
17 monitor the performance of attendance centers, to identify and  
18 place an attendance center on remediation and probation, and to  
19 recommend to the board that the attendance center be placed on  
20 intervention and be reconstituted, subject to the provisions of  
21 Sections 34-8.3 and 8.4.

22 The general superintendent, or his or her designee, shall  
23 conduct an annual evaluation of each principal in the district  
24 pursuant to guidelines promulgated by the Board and the Board  
25 approved principal evaluation form. The evaluation shall be  
26 based on factors, including the following: (i) student academic

1 improvement, as defined by the school improvement plan; (ii)  
2 student absenteeism rates at the school; (iii) instructional  
3 leadership; (iv) effective implementation of programs,  
4 policies, or strategies to improve student academic  
5 achievement; (v) school management; and (vi) other factors,  
6 including, without limitation, the principal's communication  
7 skills and ability to create and maintain a student-centered  
8 learning environment, to develop opportunities for  
9 professional development, and to encourage parental  
10 involvement and community partnerships to achieve school  
11 improvement.

12 Effective no later than September 1, 2012, the general  
13 superintendent or his or her designee shall develop a written  
14 principal evaluation plan. The evaluation plan must be in  
15 writing and shall supersede the evaluation requirements set  
16 forth in this Section. The evaluation plan must do at least all  
17 of the following:

18 (1) Provide for annual evaluation of all principals  
19 employed under a performance contract by the general  
20 superintendent or his or her designee, no later than July  
21 1st of each year.

22 (2) Consider the principal's specific duties,  
23 responsibilities, management, and competence as a  
24 principal.

25 (3) Specify the principal's strengths and weaknesses,  
26 with supporting reasons.

1           (4) Align with research-based standards.

2           (5) Use data and indicators on student growth as a  
3           significant factor in rating principal performance.

4       (Source: P.A. 95-496, eff. 8-28-07.)

5           (105 ILCS 5/34-85c)

6           Sec. 34-85c. Alternative procedures for teacher  
7       evaluation, remediation, and removal for cause after  
8       remediation.

9           (a) Notwithstanding any law to the contrary, the board and  
10       the exclusive representative of the district's teachers are  
11       hereby authorized to enter into an agreement to establish  
12       alternative procedures for teacher evaluation, remediation,  
13       and removal for cause after remediation, including an  
14       alternative system for peer evaluation and recommendations;  
15       provided, however, that no later than September 1, 2012: (i)  
16       any alternative procedures must include provisions whereby  
17       student performance data is a significant factor in teacher  
18       evaluation and (ii) teachers are rated as "excellent",  
19       "proficient", "needs improvement" or "unsatisfactory".

20       Pursuant exclusively to that agreement, teachers assigned to  
21       schools identified in that agreement shall be subject to an  
22       alternative performance evaluation plan and remediation  
23       procedures in lieu of the plan and procedures set forth in  
24       Article 24A of this Code and alternative removal for cause  
25       standards and procedures in lieu of the removal standards and

1 procedures set forth in Sections 34-85 and 34-85b of this Code.  
2 To the extent that the agreement provides a teacher with an  
3 opportunity for a hearing on removal for cause before an  
4 independent hearing officer in accordance with Sections 34-85  
5 and 34-85b or otherwise, the hearing officer shall be governed  
6 by the alternative performance evaluation plan, remediation  
7 procedures, and removal standards and procedures set forth in  
8 the agreement in making findings of fact and a recommendation.

9 (b) The board and the exclusive representative of the  
10 district's teachers shall submit a certified copy of an  
11 agreement as provided under subsection (a) of this Section to  
12 the State Board of Education.

13 (Source: P.A. 95-510, eff. 8-28-07.)

14 (105 ILCS 5/24A-6 rep.)

15 Section 20. The School Code is amended by repealing Section  
16 24A-6.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."